

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference MORGANS	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/03400	International filing date (day/month/year) 06.08.2003	Priority date (day/month/year) 16.09.2002
International Patent Classification (IPC) or both national classification and IPC B60B7/00		
Applicant MORGANS, Robert Stanley		



- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12.03.2004	Date of completion of this report 21.06.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Singer, G Telephone No. +49 89 2399-8870 

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International application No. **PCT/GB 03/03400**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

2-4 as originally filed
1 received on 15.05.2004 with letter of 13.05.2004

Claims, Numbers

1-9 received on 15.05.2004 with letter of 13.05.2004

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1 - 9
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1 - 9
Industrial applicability (IA)	Yes: Claims	1 - 9
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-1,508,419

D2: GB-A-2 346 848

The document **D1** discloses (the references in parentheses applying to this document):

A cover for a wheel (11) of a vehicle or the like, said cover comprising a substantially cylindrical part which is adapted to fit around the periphery of the wheel for which the cover is intended, a first side (13) adapted to cover one side of the wheel (11) and a second side (14) adapted to cover the other side of the wheel, the substantially cylindrical part being formed integrally with the first (13) and second (14) sides of the cover and a closable opening (15) being provided whereby a wheel can be inserted into the cover through the opening and said opening then being closed by releasable fastening means (18), wherein the opening is provided in both sides of the cover.

The subject-matter of claim 1 therefore differs from this known cover for a wheel in that:

The cover is intended for use for a wheel of a trolley or pushchair and in that the opening is provided in the side which is intended, in use, to cover the side of the wheel from which an axle on which the wheel is mounted extends.

Since this feature is neither directly nor inherently disclosed in D1, the cover according to claim 1 is new with respect to D1.

The problem to be solved by the present invention may therefore be regarded as to place the opening such that the side where the axle does not extend is not interrupted by the opening and can be used for advertising or promotional material.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT), because the wheel cover of D2, which is intended for use on a golf trolley is formed integrally with first and second sides (see page 2, lines 23 to 26) and a closable opening is provided whereby a wheel can be

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inserted into the cover through the opening and said opening then being closed by releasable fastening means (knicker-elastic, see page 2, line 18 to 22), wherein the opening is provided on the side which is intended, in use, to cover the side of the wheel from which an axle on which the wheel is mounted extends (see Figure 2).

The arrangement of the opening is described in document D2 as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal design option to include this feature in the wheel cover described in document D1 in order to solve the problem posed.

Therefore, the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

Dependent claims 2 to 9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

The features of claims 2, 4 and 8 are immediately known from D1. D2 discloses immediately the features of claims 6, 7 and 9. The features of claims 3 and 5 concern variations of the opening disclosed in D1 which are merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to provide an opening for easy access to the wheel.

Therefore, these features cannot add inventive subject-matter to the cover of claim 1.

The wheel cover has an industrial applicability, because it can be produced and can be used for wheels.